REMARKS

Reconsideration and allowance are respectfully requested.

Applicants gratefully acknowledge the Examiner's telephonic discussion with applicants' representative on May 30, 2002, regarding the basis for the Examiner's rejections under 35 U.S.C. §112, first paragraph for lack of written description.

This amendment is submitted to be proper under 37 CFR 1.116 in that applicants believe that the amendments made herein either put the claims in condition for allowance or put them in better form for argument on appeal. No new matter is added by the amendments to the claims, nor do the amendments require any additional search by the Examiner.

Claims 7, 10, 11, and 20 were rejected under 35 U.S.C § 112, second paragraph for indefiniteness as being dependent on canceled claims. The dependencies of claims 7, 10, 11 and 20 have been corrected. Claims 7 and 10 are now independent claims. Claim 11 depends from now-independent claim 10, and claim 20 depends from now-independent claim 7. It is thus respectfully submitted that the grounds for the rejection of claims 7, 10, 11, and 20 have been overcome, and the rejections of claims 7, 10, 11, and 20 should be withdrawn.

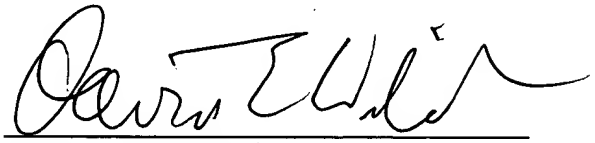
Claims 3, 4, 9, and 22 were rejected for lack of adequate written description. Claims 3 and 22 have been amended, and now recite "a fragment of the nucleotide sequence set forth in SEQ ID NO:1" instead of the former "the isolated DNA of claim 1" language. It is applicants' understanding that the Examiner's concern with respect to written description was that prior to the present amendment claim 1 recited "An isolated DNA comprising a nucleotide sequence as set forth in SEQ ID NO:1", i.e., uses open ended language that includes DNA sequences not specifically set forth in SEQ ID NO:1, which unspecified sequences could be part of the fragments recited in claims 3 and 22..

The amendments to claims 3 and 22 require that the fragments recited in the claims be fragments of a specific, finite sequence, i.e., SEQ ID NO:1, which is set out explicitly in the specification. Further, the specification, e.g., in Example 2, describes a multitude of vectors that comprise a fragment SEQ ID NO:1. Accordingly, it is respectfully submitted that applicants have disclosed a representative number of species within the genus of claim 3.

Futher with respect to claims 3 and 22, one of ordinary skill in the art, presented with the nucleotide sequence set out in SEQ ID NO: 1, would have no trouble envisioning fragments of this specific, finite sequence, how to make such fragments, or how to make vectors containing such fragments, given the ubiquitous availability of restriction enzymes to those of ordinary skill in the art. Accordingly, in light of the explicit disclosure by applicants of vectors comprising fragments of the nucleotide sequence of SEQ ID NO:1 (e.g., in Example 2) and the ability of those of ordinary skill to easily envision and generate a multitude of other vectors containing such fragments, it is

respectfully submitted that the grounds for the rejection of claims 3 and 22 (and dependent claims 4 and 9) for lack of written description have been overcome, and should be withdrawn.

Respectfully submitted,



David E. Wildman
Attorney for Applicants
Reg. No. 40,226

Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6946

Date: June 3, 2002

MARKED-UP VERSION OF CLAIMS TO SHOW CHANGES MADE

1. An isolated DNA comprising a nucleotide sequence as set forth in SEQ ID NO:1.

2. A host cell comprising an isolated DNA according to claim 1.

3. (Twice Amended) A vector molecule comprising a member selected from the group consisting of a fragment of [an isolated DNA according to claim 1] the nucleotide sequence set forth in SEQ ID NO:1 and an isolated DNA according to claim 1.

4. A vector molecule according to claim 3 comprising transcriptional control sequences.

7. (Amended) An isolated DNA comprising a nucleic acid sequence that encodes the polypeptide [of claim 6] with the amino acid sequence set forth in SEQ ID NO:2.

9. A host cell comprising a vector molecule according to claim 3.

10. A vertebrate host cell which can be propagated in vitro and which is capable upon growth in culture of producing a polypeptide [according to claim 5] with the amino acid sequence set forth in SEQ ID NO:2, wherein said cell comprises at least one transcriptional control sequence that is not a human adlican transcriptional control sequence, wherein said one or more transcriptional control sequences control transcription of DNA encoding a polypeptide [according to claim 5] with the amino acid sequence set forth in SEQ ID NO:2.

11. A vertebrate cell according to claim 10 wherein said one or more transcriptional control DNA sequences are non-human transcriptional control sequences.

20. A method for producing a polypeptide which comprises:

culturing a host cell having incorporated therein an expression vector containing an exogenously-derived DNA of claim 7 under conditions sufficient for expression of a polypeptide encoded by the DNA of claim 7 in the host cell, thereby causing the production of an expressed polypeptide; and

recovering the polypeptide produced by said cell.

21. An isolated DNA molecule with a nucleotide sequence complementary to the nucleotide sequence of the isolated DNA according to claim 1.

22. (Amended) An isolated DNA molecule comprising a fragment of [the isolated DNA of claim 1] the nucleotide sequence set forth in SEQ ID NO:1.